



10-11-02

1645 #15  
KAY  
10-12-02  
attachment

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keck *et al.*  
Serial No.: 09/601,997  
Filed: December 15, 2000

For: **NON-BACTERIAL CLONING IN DELIVERY  
AND EXPRESSION OF NUCLEIC ACIDS**

Art Unit: 1645  
Examiner: Unassigned

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number  
EL 175671197 US

Date of Deposit October 9, 2002

I hereby certify that this paper is being  
deposited with the United States Postal  
"Express Mail Post Office to Addressee"  
Service under 37 C.F.R. §1.10 on the date  
indicated above and addressed to:

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202, on this date.

10/09/2002  
Date

Mike Lough

TECH CENTER 1600/2900

OCT 15 2002

TRANSMITTAL LETTER

Commissioner for Patents  
Arlington, VA 22202

Dear Sir:

Transmitted herewith are a Supplemental Information Disclosure Statement, Form PTO-1449 (1 Page), and cited references for filing in connection with the above-identified application. Because this Information Disclosure Statement is filed prior to receipt of a First Office Action on the merits in the above-referenced application, no fee is due. However, should it be determined that a fee for filing these papers is required, the Commissioner is authorized to charge Deposit Account No. 50-1213, as stated below:

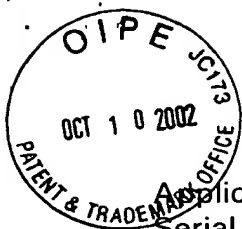
- ☒ The Commissioner is hereby authorized to charge any fee, including any submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,  
HELLER EHRMAN WHITE & McAULIFFE LLP

By: \_\_\_\_\_

Stephanie Seidman  
Registration No. 33,779

Attorney Docket No. 24743-2307US  
**Address all correspondence to:**  
Stephanie Seidman, Esq.  
HELLER EHRMAN WHITE & McAULIFFE LLP  
4350 La Jolla Village Drive, 7th Floor  
San Diego, California 92122-1246  
Telephone: (858) 450-8400  
Facsimile: (858) 587-5360  
E-mail: sseidman@HEWM.com



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keck *et al.*  
Serial No.: 09/601,997  
Filed: December 15, 2000

For: *NON-BACTERIAL CLONING IN  
DELIVERY AND EXPRESSION OF NUCLEIC  
ACIDS*

Art Unit: 1645  
Examiner: Unassigned

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
"Express Mail" Mailing Label Number  
EL 175671197 US  
Date of Deposit October 9, 2002  
I hereby certify that this paper is being  
deposited with the United States Postal  
"Express Mail Post Office to Addressee"  
Service under 37 C.F.R. § 1.10 on the date  
indicated above and addressed to:

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202, on this date.

10/09/2002  
Date

Mike Lough

TECH CENTER 1600/2900

OCT 15 2002

RECEIVED

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN ACCORDANCE  
WITH 37 C.F.R. §§ 1.97-1.98**

Commissioner for Patents  
Arlington, VA 22202

Dear Sir:

Since this Supplemental Information Disclosure Statement is filed before the receipt of a first Office Action on the merits for the above-captioned application, no filing fee is due. If it is determined that a fee is due, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§ 1.97-1.98. Form PTO-1449 (1 page) and copies of the cited documents are provided herewith in connection with the above-captioned application.

The documents listed on the Forms PTO-1449 and supplied herewith are in the English language. Item E (US 6,130,092) is an English language equivalent patent for foreign patents DE 4424762 and WO 96/01314, which were provided in an Information Disclosure Statement dated July 19, 2002. Items D and F (US 6,040,174 and US 6,133,028) are English language equivalent patents for foreign patent application WO 94/28152, which was provided in an Information Disclosure Statement dated July 19, 2002. Item B (US 5,837,531) is an English language equivalent patent for foreign patent application WO 95/14101, which was provided in an Information Disclosure Statement dated July 19, 2002. Items H and J (US 6,410,011 and US Patent Application Publication No. 2002094324) are an English language equivalent patent and English language equivalent patent application, respectively, for foreign patent

U.S.S.N. 09/601,997

Keck *et al.*

**Supplemental Information Disclosure Statement**



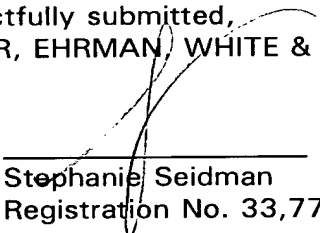
applicaiton WO 96/05321. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and make them of record in the file history of the above-captioned application.

Respectfully submitted,  
HELLER, EHRMAN, WHITE & McAULIFFE

By:

  
Stephanie Seidman  
Registration No. 33,779

Attorney Docket No. 24743-2307US

**Address all correspondence to:**

Stephanie Seidman, Esq.

HELLER, EHRMAN, WHITE & McAULIFFE

4350 La Jolla Village Drive, 7th Floor

San Diego, California 92122-1246

Telephone: (858) 450-8400

Facsimile: (858) 587-5360

EMAIL: sseidman@hewm.com